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Summary record of the 23rd meeting
Held at Headquarters, New York, on Friday, 17 November 2006, at 3 p.m.

Chairman: Mr. Yousfi ..... (Algeria)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Saha

Contents

Agenda item 117: Programme budget for the biennium 2006-2007 (*continued*)

Programme budget implications of draft resolution A/ES-10/L.19: Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory (*continued*)

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The meeting was called to order at 3.15 p.m.

Agenda item 117: Programme budget for the biennium 2006-2007 *(continued)*

Programme budget implications of draft resolution A/ES-10/L.19: Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory (continued) (A/C.5/61/12)

1. **Ms. Lock** (South Africa), speaking on behalf of the Group of 77 and China, recalled that at the previous meeting her delegation had requested clarification concerning the time that the Advisory Committee on Administrative and Budgetary Questions (ACABQ) would require in order to complete its report on the programme budget implications of draft resolution A/ES-10/L.19. The imminent adjournment of the resumed tenth emergency special session meant that the report was urgently required if the Fifth Committee was to perform its statutory duty to the General Assembly.

2. **Ms. Soni** (Canada) queried the urgency to produce a report. It was more important that the Advisory Committee should have the time that it needed to carry out a thorough review of the programme budget implications of the draft resolution.

3. **The Chairman** said that the Chairman of the Advisory Committee would shortly be available to give a progress report on his Committee's deliberations.

The meeting was suspended at 3.25 p.m. and resumed at 3.40 p.m.

4. **Mr. Saha** (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the Advisory Committee was obliged to consider all the technical aspects of a mission such as that requested in the draft resolution. It was proceeding as fast as it could, but it was still awaiting clarification or further information on a number of matters. It was not clear, for example, whether the proposed fact-finding mission would be going to four locations, as stated in document A/C.5/61/12, paragraph 3, or five, as had been suggested elsewhere. He also recalled that it was the Committee's tradition to produce unanimous reports, which was inevitably more time-consuming.

5. **Ms. Lock** (South Africa), speaking on behalf of the Group of 77 and China, stressed the urgency of the situation. The Fifth Committee was required to take action under rule 153 of the rules of procedure. It was hard to see why deliberations over the relatively modest sum of $131,000 should be so protracted.

The meeting was suspended at 3.55 p.m. and resumed at 4.35 p.m.

6. **The Chairman** said that the Advisory Committee had not yet completed its deliberations.

7. **Mr. Kumalo** (South Africa), speaking on behalf of the Group of 77 and China, expressed dismay at the politicization of the Advisory Committee, which was supposed to consider only technical issues, and requested that the adjournment of the resumed special session should be delayed in order to enable the Advisory Committee to produce its report.

8. **The Chairman** said that, following a further brief suspension, the Committee would take action.

9. **Mr. Wallace** (United States of America) expressed the hope that such action would not take the form of waiving rule 153 of the rules of procedure, which would be unprecedented.

The meeting was suspended at 4.40 p.m. and resumed at 5.40 p.m.

10. **Ms. Van Buerle** (Director, Programme Planning and Budget Division) introduced the statement of programme budget implications of draft resolution A/ES-10/L.19 (A/C.5/61/12). Should the General Assembly adopt the draft resolution, it would be required to approve an additional appropriation of $131,200 under section 3, Political affairs, of the programme budget for the biennium 2006-2007.

11. **Mr. Saha** (Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the related oral report of the Advisory Committee on Administrative and Budgetary Questions,* said that the Advisory Committee had requested and received information on the state of expenditures under section 3 of the programme budget for the biennium 2006-2007. On that basis, and taking into account the possibility of obtaining assistance from other United Nations entities in the area, where feasible, the Advisory Committee took the view that requirements relating to draft resolution A/ES-10/L.19 should be absorbed to the extent possible and reflected in the performance report on the programme budget for

* Subsequently issued as document A/61/587.

the biennium 2006-2007.

12. **Mr. Abelian** (Secretary of the Committee), read out the following oral draft decision:

> "The Fifth Committee, having considered the statement of programme budget implications submitted by the Secretary-General and the related oral report of the Advisory Committee on Administrative and Budgetary Questions,
>
> (a) *Decides* to inform the General Assembly that the adoption of draft resolution A/ES-10/L.19 would not give rise to any additional requirements under section 3, Political affairs, of the programme budget for the biennium 2006-2007 at the present stage;
>
> (b) *Decides also* that any additional resources, as may be necessary, will be reported in the context of the second performance report."

13. **Mr. Wallace** (United States of America), speaking on a point of order, said that he would like to see a written text of the draft decision before taking any further action.

14. **Ms. Lock** (South Africa), speaking on behalf of the Group of 77 and China, pointed out that it was the established practice of the Fifth Committee to take action on oral draft decisions.

The meeting was suspended at 5.50 p.m. and resumed at 6 p.m.

15. **Mr. Wallace** (United States of America) asked whether there would be an overlap between the fact-finding mission referred to in resolution A/HRC/RES/S-3/1 of the Human Rights Council and the mission referred to in draft resolution A/ES-10/L.19.

16. **Mr. Goryayev** (Department of Political Affairs) said that the mission to be dispatched by the Human Rights Council had three specific objectives: to assess the situation of victims, address the needs of survivors, and make recommendations on ways and means to protect Palestinian civilians against any further Israeli assaults. That mission, by its very nature, was designed to address the human rights dimension of the assault on Beit Hanoun and would be composed of high-level officials. While the terms of reference of the mission contemplated in draft resolution A/ES-10/L.19 would be finalized only after the adoption of that text, it would be broader in scope than the Human Rights Council mission, assessing all the circumstances surrounding the tragic incident that had taken place at Beit Hanoun on 8 November 2006.

17. **Mr. Wallace** (United States of America) enquired about the extent to which the Secretariat intended to draw on existing resources in the surrounding area to fund its fact-finding mission.

18. **Ms. Van Buerle** (Director, Programme Planning and Budget Division) said that, wherever possible and in line with established practice, existing resources from United Nations entities in the surrounding area would be used to fund the fact-finding mission, on either a reimbursable or a non-reimbursable basis.

19. **Mr. Wallace** (United States of America), referring to the oral report of the Advisory Committee, requested clarification of the phrase "absorbed to the extent possible".

20. **Ms. Lock** (South Africa), speaking on behalf of the Group of 77 and China, wished to know whether, following the adoption of the Advisory Committee's recommendations, the Secretariat would be able to implement the provisions of draft resolution A/ES-10/L.19 unhindered.

21. **Mr. Saha** (Chairman of the Advisory Committee on Administrative and Budgetary Questions), responding to the question put by the representative of the United States of America, said that the phrase "to the extent possible" had been used because, in view of the time constraints, the Advisory Committee had been unable to obtain all the necessary information from United Nations entities in the area.

22. **Ms. Van Buerle** (Director, Programme Planning and Budget Division), responding to the question put by the representative of South Africa, drew the Committee's attention to similar resolutions it had adopted on other matters. In those cases, the Secretariat had used existing resources to implement the relevant activities and, where appropriate, had reported any additional expenditure to the General Assembly in the context of the second performance report.

23. **Mr. Hill** (Australia) said that, as he understood it, the mandates of the two fact-finding missions to Beit Hanoun would be very similar, although the General Assembly's mission would be broader in scope. Would that overlap be taken into consideration when and if the proposed budget for the Human Rights Council was referred back to the Fifth Committee and ACABQ?

24. **Mr. Kumalo** (South Africa), speaking on behalf of the Group of 77 and China, said that, while he respected the right of other delegations to ask questions, the issues currently being raised were of a political nature. Speculative remarks about possible activities of the Human Rights Council would not advance the work of the Fifth Committee, which must act expeditiously on the oral draft decision before it.

25. **Mr. Goryayev** (Department of Political Affairs) acknowledged that the two fact-finding missions would deal with the same subject matter, although the Human Rights Council mission would be composed of eminent personalities. However, while the Human Rights Council had already defined clear terms of reference for its mission, the specific mandate of the mission referred to in draft resolution A/ES-10/L.19 would be determined by the Secretary-General once the text had been adopted. It was therefore difficult to say whether there would be any overlap.

26. **Ms. Pehrman** (Finland), speaking on behalf of the European Union, emphasized the importance for delegations of obtaining answers to their questions. She was pleased that, in accordance with established practice, the Fifth Committee would be able to consider the oral draft decision in the light of the Advisory Committee's oral report.

27. **Mr. Wallace** (United States of America) asked whether, given the similarities between the two fact-finding missions, their costs would be identical.

28. **Mr. Saha** (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that he did not have any information about the financial implications of the decision taken by the Human Rights Council.

29. **Ms. Van Buerle** (Director, Programme Planning and Budget Division) said that the two fact-finding missions had slightly different purposes. The Human Rights Council mission had a specific mandate to look into the human rights situation, whereas the mission referred to in draft resolution A/ES-10/L.19 was broader in scope. The programme budget implications of the decision taken by the Human Rights Council would be addressed at a later stage.

30. **The Chairman** invited the Committee to take action on the oral draft decision.

31. **Mr. Wallace** (United States of America) said that, since he did not support the one-sided draft resolution contained in document A/ES-10/L.19, he could not agree to the adoption of the oral draft decision currently before the Committee. Just one day previously, the Third Committee had adopted a draft resolution stressing the need to avoid politically motivated and biased country-specific resolutions (A/C.3/61/L.31/Rev.1), yet the text of document A/ES-10/L.19 was clearly politically motivated and biased in its treatment of the State of Israel. He therefore questioned whether such resolutions furthered the objectives of the United Nations as set out in the Charter and whether they represented a good use of resources.

32. While the United States strongly believed in the principle of consensus in the Fifth Committee, it was unable to join any consensus on the issue at hand and requested a recorded vote on the oral draft decision.

33. **Mr. Carmon** (Israel) said that, while he was a firm supporter of the principle of consensus in the Fifth Committee, he would be unable to join the consensus on the oral draft decision because his delegation could not agree to spending additional financial resources on the implementation of a political agenda. The reconvening of the tenth emergency special session was yet another example of Member States abusing the procedures of the General Assembly, and the oral draft decision currently before the Committee paved the way for the adoption of a highly politicized, biased and one-sided draft resolution, which ignored a fundamental reality, namely, that Palestinian terror compelled Israel to exercise its basic right to self-defence. The draft resolution also failed to call for the Palestinian leadership to fulfil its national responsibilities by recognizing Israel and curbing violent acts.

34. If the United Nations wished to play a genuine role in the Middle East, direct negotiations based on the mutual recognition of rights and responsibilities were the only way forward. Rhetoric must not be confused with progress. In that connection, the very title of draft resolution A/ES-10/L.19, which referred to illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory, prejudged the outcome of the fact-finding mission.

35. A recorded vote was taken.

In favour:

Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh,

Barbados, Belarus, Belgium, Belize, Benin, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cambodia, Chile, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Moldova, Monaco, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Lucia, San Marino, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Israel, Micronesia (Federated States of), Palau, United States of America.

Abstaining:

Canada, Kenya.

36. *The oral draft decision was adopted by 143 votes to 5, with 2 abstentions.*

37. **Mr. Hill** (Australia) said that he had voted against the adoption of the oral draft decision because he did not believe that the fact-finding mission would make a meaningful contribution to resolving the Middle East crisis. Accordingly, it should not be funded, even within existing resources, particularly since the Human Rights Council had already agreed to send its own mission.

38. The United Nations should focus on bringing the parties to the conflict together in order to seek a comprehensive settlement rather than on launching an inquiry that would serve only the short-term political interests of certain delegations and even exacerbate the situation.

39. **Ms. Pehrman** (Finland), speaking on behalf of the European Union, said that she had voted in favour of the adoption of the oral draft decision because she could agree to the technical proposals contained therein. However, it was unfortunate that the Fifth Committee had been compelled to deviate from the principle of consensus; she hoped that every effort would be made to avoid further such occurrences in future.

40. **Mr. Kumalo** (South Africa), speaking on behalf of the Group of 77 and China, expressed concern at the manner in which the statement of programme budget implications had been dealt with and stressed the need for the Fifth Committee to continue to exercise its role as a technical body.

41. **Mr. Kozaki** (Japan) expressed regret that the Fifth Committee had been unable to adhere to the principle of consensus. He trusted that the Secretary-General would make every effort to absorb any additional expenditure incurred in connection with the fact-finding mission.

The meeting rose at 6.35 p.m.